

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 169 of 1998

in

LETTERS PATENT APPEAL No 82 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D M SOLANKI

Versus

CHIEF SECRETARY

LNS MUKUNDAN, IAS

Appearance:

MR DP VORA for Petitioner

MR DA BAMBHANIA for Respondent No. 1

MR RJ OZA for Respondent No. 2

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 10/02/98

ORAL JUDGEMENT

The applicant has moved this Court for initiating action against the respondents under the provisions contained in the Contempt of Court Act as the respondents have neglected to act as per the order passed by a Division Bench of this Court in LPA No. 82/97 in Spl. C.A. No. 5252/95.

On notice being issued, on behalf of the respondents, Mrs. Shobhana B. Desai, Under Secretary to the Government of Gujarat, General Administration Dept. has filed an affidavit stating that the State has preferred S.L.P. No. 1473/98 being aggrieved by the aforesaid order passed by the Court in the LPA. It is stated on oath that the Apex Court has granted stay of the operation of the impugned judgment. In view of this, it cannot be said that even prima facie case is made out for initiating action under the Contempt of Court Act. Under the circumstances, this application stands disposed of. Notice is discharged.

csm./ -----